

Committee on Judicial Ethics  
Teleconference  
Tuesday, January 27, 2009

Members present via teleconference: Justice Barry R. Schaller, Chair; Judge Linda K. Lager, Vice-Chair, Judge Robert J. Devlin, Jr., Judge Socrates H. Mihalakos and Associate Professor Jeffrey A. Meyer. Staff present: Viviana L. Livesay, Esq., Assistant Secretary.

**MINUTES**

- I. With a quorum present, Justice Schaller called the meeting to order at 9:15 a.m. One member of the public was in attendance.
- II. The Committee unanimously approved the draft Minutes of the January 21, 2009 meeting.
- III. The Committee considered Judicial Ethics Opinion 2009-02 concerning the propriety of a judicial official attending a fundraising charity dinner at which a relative will be presented with an award for the relative's years of public service. The information provided concerning this request indicates the following facts: the judicial official contemplates attending a fundraising charity dinner hosted by a nonprofit organization to honor the judicial official's relative, the judicial official will not be a speaker or a guest of honor, the funds raised will go towards various charities, the nonprofit organization does not engage in political activity or contribute to any political party or candidates, the nonprofit has no connection with a political party except its founding membership, the organization has recognized or given awards to individuals from the other major political party, the organization is neither a party to nor has stated a public position on the merits or resolution of any matter pending before the judicial official, and the award recipient is not presently before and is not likely to come before the judicial official. The Committee unanimously agreed that the judicial official may attend the event subject to the following restrictions: (1) the judicial official may accept a ticket to the event from his or her relative pursuant to Canon 5 (c) (4) (B) unless the honoree is not a "relative" as that term is defined in Canon 3 (b) (5), in which event the judicial official must report the gift pursuant to Canon 5 (c) (4) (C) if the value of the ticket exceeds \$100; and (2) the judicial official shall not act in a manner which would cause doubt as to his or her impartiality.
- IV. The Committee tabled Judicial Ethics Opinion 2009-03 until the next meeting.
- V. The Committee considered Judicial Ethics Opinion 2009-04 concerning whether it is proper for a judicial official and the judicial official's family to accept an invitation to spend a few days with close personal friends at the friends' vacation home. Based upon the facts presented, the Committee unanimously agreed that two families

vacationing together at one of the family's homes, given that the families regularly socialize together, is part of ordinary social hospitality and should be permitted subject to the following conditions: (1) the judicial official continues to recuse him or herself when either of the friends or the business that employs the friend that is house counsel appear, (2) such recusals are infrequent and do not interfere with the orderly processing of the court's business, and (3) the judicial official and his or her family staying with their friends at the friends' vacation home is consistent with the social hospitality that the judicial official and his or her family have extended to their friends.

VI. The Committee considered Judicial Ethics Opinion 2009-05 concerning whether a judicial official could provide a letter of support for an attorney who has been nominated to receive a professional service award from a private organization. Based upon the facts presented, the Committee unanimously approved the request subject to the following conditions: (1) the judicial official has personal knowledge of the candidate's qualifications that are relevant to the particular award, (2) the candidate is not, as noted in the inquiry, a relative within the meaning of the Code or C.G.S. § 51-39a, (3) the judicial official indicates that the opinions expressed represent the personal opinions of the judicial official, (4) the nominated attorney, members of his or her law firm or the organization giving the award do not have an appearance before the judicial official at the time the recommendation is provided or for a reasonable period, under the circumstances, before or after the submission of the letter of support, and (5) if the judicial official believes that recusal would be required in order to comply with condition (4) because his or her fairness would be impaired, and that recusal is likely to be frequent, the judicial official should not provide the letter of support.

VII. The meeting adjourned at 9:40 a.m.